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10/829,438	04/20/2004	David Gast	200316296-1	8782

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EXAMINER	
MARINI, MATTHEW G	
ART UNIT	**PAPER NUMBER**
2854	

NOTIFICATION DATE	DELIVERY MODE
05/15/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/829,438	GAST ET AL.	
	Examiner	Art Unit	
	MATTHEW G. MARINI	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 January 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16,18-23 and 25-27* is/are pending in the application.

4a) Of the above claim(s) *28-47 and 49* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16,18-23 and 25-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election of Group I in the reply filed on 1/17/08 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 6, 8, 9, 11 and 18 are rejected under 35 U.S.C. 102 (b) as being anticipated by Faith et al. (3,679,876).

As for claim 1, Faith et al. teaches in Fig. 3 an apparatus comprising: a tray, 22, for holding a media stack, 11, the media stack having opposing faces, seen where marks, 12, are located, joined by sides, a pattern, 13, being formed on at least one of the sides, as seen in Fig. 1, each face being a face of a media sheet, Col. 1 lines 57-61, the pattern, 13, including a plurality of sub-patterns, pulse on each card, each sub-pattern being formed on a different subset of sheets making up the total pattern, 13, of the media stack, 11, Col. 1 lines 63-70, and encoding imaging data and a reference associated with the imaging data for the subset of sheets on which the sub-pattern is formed, where the reference is a card's number within the stack of cards, Col. 1 line 70

to Col. 2 line 15, which makes up a total expected number of sheets in that subset for the stack; a sensor, 24; a transport mechanism, 25-28, to move the tray, 22, past the sensor, 24, to scan the sub- patterns, pulses found on each card; and control logic operable to communicate with the sensor, 24, to decipher the imaging data from the sub-patterns for each subset of sheets in the media stack, as described in Fig. 4.

As for claim 2, Faith et al. teaches an apparatus in Fig. 3, further comprising a housing, 29, and wherein the sensor, 24, is coupled to the housing, 29, such that the sensor, 24, is held stationary relative to the housing, 29, as indicated in Fig. 3; and the transport mechanism, 25-28, is coupled to the housing, 29, and the tray, 22, as seen in Fig. 3.

As for claim 6, Faith et al. teaches in Fig. 3 an apparatus comprising: a tray, 22, for holding a media stack, 11, the media stack having opposing faces, seen where marks, 12, are located, joined by sides, a pattern, 13, being formed on at least one of the sides, as seen in Fig. 1, each face being a face of a media sheet, Col. 1 lines 57-61, the pattern, 13, including a plurality of sub-patterns, pulse on each card, each sub-pattern being formed on a different subset of sheets making up the total pattern, 13, of the media stack, 11, Col. 1 lines 63-70, and encoding imaging data and a reference associated with the imaging data for the subset of sheets on which the sub-pattern is formed, where the reference is a card's number within the stack of cards, Col. 1 line 70 to Col. 2 line 15, which makes up a total expected number of sheets in that subset for the stack; means, 25-28, to move the tray, 22, between a first loading position, Fig. 3, and a second position, defined by where tongue, 27, makes contact with a limit switch,

33; means, 24, for scanning the sub- patterns, pulses found on each card, as the tray is moved between the first position and second position; and means, Fig. 4, for decipher the imaging data from the sub-patterns for each subset of sheets in the media stack, as described in Fig. 4.

As for claim 8, Faith et al. teaches an apparatus in Fig. 3, wherein the means, 24, for scanning include means, 25-28, for scanning the side of the media stack, as the tray, 22, is moved between the first position and the second position, Fig. 3.

As for claim 9, Faith et al. teaches in Fig. 3 a data identification system comprising: a tray, 22, for holding a media stack, 11, the media stack having opposing faces, seen where marks, 12, are located, joined by sides, a pattern, 13, being formed on at least one of the sides, as seen in Fig. 1, each face being a face of a media sheet, Col. 1 lines 57-61, the pattern, 13, including a plurality of sub-patterns, pulse on each card, each sub-pattern being formed on a different subset of sheets making up the total pattern, 13, of the media stack, 11, Col. 1 lines 63-70, and encoding imaging data and a reference associated with the imaging data for the subset of sheets on which the sub-pattern is formed, where the reference is a card's number within the stack of cards, Col. 1 line 70 to Col. 2 line 15, which makes up a total expected number of sheets in that subset for the stack; a transport mechanism, 25-28, operable to move the tray, 22, between a first loading position, Fig. 3, and a second position, defined by where tongue, 27, makes contact with a limit switch, 33; a sensor, 24,positioned to scan the sub-patterns, pulses found on each card, as the tray is move between the first position and second position; and logic coupled the sensor, Fig. 4, operable to decipher the imaging

data from the sub-patterns for each subset of sheets in the media stack, as described in Fig. 4.

As for claim 11, Faith et al. teaches the data identification system, Fig. 3, further comprising a support, 29, holding the sensor, 24, stationary relative to the motion of the tray, 22, caused by the transport mechanism, 25-28.

As for claim 18, Faith et al. teaches the data identification system, Fig. 3, wherein the imaging data for each sub-pattern, pulses, includes an expected number of sheets of media in a corresponding subset of sheets making up the stack, 11, on which the sub-pattern is imprinted, Col. 1 line 70 to Col. 2 line 15, and the control logic is operable to decipher the sub-patterns to identify the expected number of sheets in the media stack, as described by Fig. 4.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3-7, 9, 10, 12-16, 19-23, and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biegelsen et al. (6,335,084) in view Faith et al. (3,679,876).

As for claims 3-7, 9, 10, 16, and 19, Biegelsen et al. teaches in Fig. 8, an imaging device, 110, comprising: a print engine operable to form an image on a sheet of media, Col. 4 lines 59-63; a media source, implicitly taught in Col. 3 lines 36-46,

operable to supply a media stack, Fig. 7, the media source including: a tray, 30A, for holding the media stack, Fig. 7, the media stack, Fig. 7, having opposing faces joined by sides, a pattern, 20, being formed on at least one of the sides, 18b, each face being a face of a media sheet, the pattern, 20, including a plurality of sub-patterns, Col. 4 lines 1-8, each sub-pattern being formed on a different subset of sheets in the media stack, Col. 4 lines 44-49, and encoding imaging data or a reference associated with the imaging data for the subset of sheets on which the sub- pattern is formed, Col. 4 lines 10-16, the imaging data for at least one subset of sheets identifying an expected number of sheets in that subset implicitly taught depending on how many times a specific pattern is sensed; a sensor, 24, movably positioned to scan the sub-patterns as the sensor moves from one position to a second position; a transfer mechanism, feed rollers, indirectly taught, operable to transfer sheets of media from the media source on tray, 30A, to the print engine in a second position, as to be printed thereon; control logic found in the processor, 28, in communication with the media source, the print engine, and the transfer mechanism, Col. 5 lines 24-28, the control logic operable to decipher the imaging data from the sub-patterns that form pattern, 20, for each subset of sheets in the media stack, Fig. 7, and to control the operation of the print engine with respect to each subset of sheets according to the imaging data for that subset of sheets, Col. 6 lines 29-44.

As described above in the rejection of 3-7, 9, 10, 12-16, 19-23 and 25, Biegelsen et al. teaches moving a sensor, 24, relative to a media tray, 30A, not moving the tray

from one position to the next as a stationary sensor reads the pattern as the media stack is moves past the sensor.

However, Faith et al. teaches in Fig. 3, a known transport mechanism, 25-28, operable to move the tray, 22, between a first loading position, Fig. 3, and a second position, defined by where tongue, 27, makes contact with a limit switch, 33, as a stationary sensor, 24, is positioned to scan a pattern of pulses found a stack of media, as the tray is move from the first position to the second position. Because both Biegelsen et al. and Faith et al. teach moving the recited structure relative to one another for the purpose of scanning patterns found on the side of a media stack, it would have been obvious to one of ordinary skill in the art at the time of invention to substitute one moving mechanism with another in Biegelsen et al to achieve the predictable result of scanning the pattern found on the side of the media stack as the stack is moved to a second feeding position for printing.

As for claim 12 Biegelsen et al. teaches in Fig. 8 the data identification system wherein each sub-pattern of the pattern, 20, encodes a reference associated with a characteristic of that sheet and the control logic is operable to retrieve, for each reference, an entry in a look-up table associated with the reference, indirectly taught in the processor, 28, the entry including the imaging data for a given sub-pattern, as to how the imaging system is to perform depending of the reference, Col. 6 lines 29-44.

As for claim 13 Biegelsen et al. teaches in Fig. 8 the data identification system wherein the imaging data for a given sub-pattern includes parameter settings for a

corresponding subset of sheets, Col. 4 lines 1-8, and the control logic is operable to decipher the given sub-pattern to identify the parameter settings, Col. 6 lines 29-44.

As for claim 14 Biegelsen et al. teaches in Fig. 8 the data identification system wherein the imaging data for a given sub-pattern includes a media type for a corresponding subset of sheets, Col. 4 lines 1-8, and the control logic is operable to decipher the given sub-pattern to identify the media type, Col. 6 lines 7-44.

As for claim 15 Biegelsen et al. teaches in Fig. 8 the data identification system wherein the control logic found in the processor, 28, is operable to select parameter settings for the corresponding subset of sheets according to the media type, Col. 6 liens 39-44.

As for claim 21 Biegelsen et al. teaches in Fig. 8, an imaging device, 110, further comprising a user interface, displayed on 32, in communication with the control logic and wherein the control logic is operable to cause the user interface to generate a display corresponding, at least indirectly, to the imaging data for one or more of the subsets of sheets, Col. 5 lines 19-25.

As for claim 22 Biegelsen et al. teaches in Fig. 8, an imaging device, 110, wherein the control logic coupled with the sensor is operable to cause the user interface to generate a display on the display, 32, that includes user selectable options via input device, 26, corresponding, at least indirectly, to the imaging data for one or more of the subsets of sheets, Col. 45 lines 9-25.

As for claim 23 Biegelsen et al. teaches in Fig. 8, an imaging device, 110, wherein the imaging data for a given sub-pattern forming pattern, 20, includes imaging

parameter settings, Col. 4 lines 10-14, the imaging device further comprising a user interface in communication with the control logic and capable of displaying information to a user displayed on 32 and wherein the control logic is operable to cause the user interface to display information corresponding to the imaging parameter settings the subset of sheets on which the given sub-pattern is imprinted, Col. 5 lines 19-25.

As for claim 25 Biegelsen et al. teaches in Fig. 8, an imaging device, 110, wherein the imaging data for each sub-pattern includes an expected number of sheets in a corresponding subset of sheets implicitly taught depending on how many times a specific pattern is sensed; the imaging device further comprising a user interface seen in the display, 32, in communication with the control logic and wherein the control logic is further operable to cause the user interface to generate a display on 32, corresponding, at least indirectly, to the expected number of sheets in the media stack.

As for claims 26 and 27, Biegelsen et al. teaches an imaging device, 210, in Fig. 10, comprising: a print engine operable to form an image on a sheet of media, Col. 4 lines 59-63; a first and second media source, seen in Fig. 10, operable to supply a first and second media stack, Fig. 7, the first and second media sources including: a first and second trays, similar to 30A, for holding the first and second media stack, Fig. 7, the first and second media stacks, Fig. 7, having opposing faces joined by sides, a first and second pattern, 20, being formed on at least one of the sides, 18b, each face being a face of a media sheet, the first and second pattern, 20, including a plurality of first and second sub-patterns, Col. 4 lines 1-8, each fist and second sub-pattern being formed on a different subset of sheets in the first and second media stacks, Col. 4 lines 44-49, and

encoding imaging data or a reference associated with the imaging data for the subset of sheets on which the first and second sub-patterns are formed, Col. 4 lines 10-16, the imaging data for at least one subset of sheets identifying an expected number of sheets in that subset implicitly taught depending on how many times a specific pattern is sensed consecutivly; a first and second sensor, 24a and 24b, movably positioned to scan the first and second sub-patterns as the first and second sensors, 24a-b, move from one position to a second position; a first and second transfer mechanism, feed rollers, indirectly taught, operable to transfer sheets of media from the fist and second media sources, to the print engine in a second position, as to be printed thereon; control logic found in the processor, 28, in communication with the first and second media sources Fig. 10, the print engine, and the transfer mechanism, Col. 5 lines 24-28, the control logic operable to decipher the first and second sub-patterns over the pattern, 20, to identify imaging data for each of the first subsets of sheets in the first media stack and second media data for each of the second subsets of sheets in the second media stack and to control the operation of the transfer mechanism and to control the operation of the print engine so that the first imaging data for a given one of the subsets of sheets in the first media stack is used when a media sheet from that given subset of sheets from the first media stack is transferred from the first media source and the second imaging data for a given one of the subsets of sheets in the second media stack is used when a media sheet from that given subset of sheets from the second media stack is transferred from the second media source, Col. 5 line 60 to Col. 6 line 27.

As described above in the rejection of claims 26 and 27, Biegelsen et al. teaches moving the sensors, 24a-b, relative to a media trays, 30A, not moving the tray from one position to the next as a stationary sensor reads the pattern as the media stack is moved past the sensor.

However, Faith et al. teaches in Fig. 3, a known transport mechanism, 25-28, operable to move the tray, 22, between a first loading position, Fig. 3, and a second position, defined by where tongue, 27, makes contact with a limit switch, 33, as a stationary sensor, 24, is positioned to scan a pattern of pulses found a stack of media, as the tray is move from the first position to the second position. Because both Biegelsen et al. and Faith et al. teach moving the recited structure relative to one another for the purpose of scanning patterns found on the side of a media stack, it would have been obvious to one of ordinary skill in the art at the time of invention to substitute one moving mechanism with another in Biegelsen et al to achieve the predictable result of scanning the pattern found on the side of the media stack as the stack is moved to a second feeding position for printing.

As for claim 27 Biegelsen et al. teaches in Fig. 10, an imaging device, 210, further comprising a user interface, displayed on 32, in communication with the control logic and wherein the control logic is operable to cause the user interface to generate a display corresponding, at least indirectly, to the imaging data for the subsets of sheets, Col. 5 lines 19-25, in the first and second stacks.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW G. MARINI whose telephone number is (571)272-2676. The examiner can normally be reached on Monday-Friday 8:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571)-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew Marini
5/8/08

/Ren L Yan/
Primary Examiner, Art Unit 2854